

Honorable Thomas O. Rice

Lauren I. Freidenberg, WSBA #59145
Nathaniel Flack, WSBA #58582
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104-1745
206-622-1604

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SEATTLE

ANDREW NEWTON,

Plaintiff,

v.

No. 2:25-cv-00112-TOR

STIPULATED MOTION TO STAY
PROCEEDINGS

CITY OF EAST WENATCHEE, a
municipal corporation; DOUGLAS
COUNTY, a municipal corporation;
PHILIP AMICI, in his individual and
official capacity; CARL MOHNS in his
individual and official capacity;
ADRIAN LOPEZ, in his individual and
official capacity; WILLIAM LANE, in
his individual and official capacity; and
RUBI RAMIREZ, in her individual and
official capacity,

September 2, 2025
Without Oral Argument

Defendants.

I. MOTION

Come now Plaintiff Andrew Newton and Defendants City of East Wenatchee,
Douglas County, Philip Amici, Carl Mohns, Adrian Lopez, William Lane, Rubi

1 Ramirez, and through their respective counsel jointly request that the Court enter an
2 Order staying this matter and all related deadlines pending the resolution of a related
3 criminal proceeding.

4 II. BACKGROUND

5 Procedural History

6 Plaintiff filed this civil rights action under 42 U.S.C. §1983 action on April 7,
7 2025. The allegations in the lawsuit concern police use of force during the arrest of
8 Mr. Newton on May 28, 2023. Defendants filed answers on June 11, 2025 (Douglas
9 County Defendants) and June 30, 2025 (East Wenatchee Defendants). The Court
10 issued its Order Setting Scheduling Conference on July 3, 2025, setting a Scheduling
11 Conference for September 10, 2025. The Court has not set a trial date or case
12 schedule at this time.

13 Criminal Proceeding: *State of Washington v. Andrew Newton*, No.25CR43493

14 (Douglas County District Court)

15 On or about May 6, 2025, the Douglas County Prosecuting Attorney caused a
16 criminal complaint to be filed against Plaintiff in Douglas County District Court,
17 charging Plaintiff with an alleged DUI arising from the incident at issue in this
18 lawsuit, and setting Plaintiff's arraignment on this charge for May 28, 2025. *See*
19 Exhibit 1 to Flack Declaration (Douglas County District Court Complaint). At this
20 time, the criminal prosecution is proceeding forward. No trial date has yet been set
21 in the criminal proceeding.
22
23

III. DISCUSSION

The parties jointly request that this civil case be stayed pending the resolution of the related criminal prosecution. *See generally Keating v. Office of Thrift Supervision*, 45 F.3d 322, 325 (9th Cir. 1995) (holding while the Constitution does not require a stay pending resolution of a related criminal proceeding, “a court may decide in its discretion to stay civil proceedings . . . when the interests of justice seem[] to require such action.”) (cleaned up); *SEC v. Glob. Wholehealth Partners Corp.*, No. 22-cv-219-WQH-BGS, 2022 U.S. Dist. LEXIS 105998 (S.D. Cal. June 13, 2022) (granting stay under *Keating*). The parties stipulate and agree that the interests of justice and judicial economy weigh in favor of a stay in the circumstances of this case, so that the parties can attend to the criminal allegations before civil claims proceed.

The parties propose that initial disclosures and all discovery in this action should be stayed pending resolution of the criminal proceeding. To ensure the prompt resolution of this case, the parties shall inform the Court immediately of the final disposition of the criminal proceeding, so that the stay can be lifted. The parties further propose that, upon lifting of the proposed stay, the parties will submit to the Court a joint proposed discovery plan and case schedule for the Court’s consideration, within 14 days of the stay being lifted.

///

///

///

///

///

///

1 Dated this 1st day of August, 2025.

2
3 Respectfully submitted,

4 **MacDONALD HOAGUE & BAYLESS**

5
6 By: /s/Nathaniel Flack

7 Lauren I. Freidenberg, WSBA #59145

8 Nathaniel Flack, WSBA #58582

9 705 Second Avenue, Suite 1500

10 Seattle, WA 98104

206-622-1604

LaurenF@mhb.com

NathanielF@mhb.com

11 *Attorneys for Plaintiff*

12
13 **KEATING, BUCKLIN & McCORMACK,**
14 **INC., P.S.**

15 By: /s/ Ann E. Trivett

16 Ann E. Trivett, WSBA #39228

17 Anthony S. Marinella, WSBA #55611

18 *Attorneys for Defendant City of East*
Wenatchee, Philip Amici, Carl Mohns,
and William Lane

19 1201 Third Avenue, Suite 1580

20 Seattle, WA 98101

21 Phone: (206) 623-8861

22 Fax: (206) 223-9423

Email: atrivett@kbmlawyers.com

amarinella@kbmlawyers.com

MENKE JACKSON BEYER, LLP

/s/ Kirk Ehlis

Kirk Ehlis

Attorneys for County Defendants

Menke Jackson Beyer, LLP

807 North 39th Avenue

Yakima, Washington 98902

Telephone: (509) 575-0313

Fax: (509) 575-0351

Email: kehlis@mjbe.com

*Attorneys for Defendants Douglas County,
Adrian Lopez and Rubi Ramirez*

CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed this document entitled **Stipulated Motion to Stay Proceedings** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

KEATING, BUCKLIN & McCORMACK, INC., P.S.

Ann E. Trivett, WSBA #39228

Anthony S. Marinella, WSBA #55611

Email: atrivett@kbmlawyers.com

amarinella@kbmlawyers.com

Attorneys for Defendant City of East Wenatchee, Philip Amici, Carl Mohns, and William Lane

MENKE JACKSON BEYER, LLP

Kirk Ehliis

Email: kehlis@mjbe.com

Attorneys for Defendants Douglas County, Adrian Lopez and Rubi Ramirez

DATED this 1st day of August, 2025, at Seattle, Washington.

/s/ Andrew Drake
Andrew Drake, Legal Assistant